

JUSTIN O. HOTTENSTEIN.

JUNE 24, 1898.—Ordered to be printed.

Mr. BAKER, from the Committee on Pensions, submitted the following
REPORT.

[To accompany H. R. 9295.]

The Committee on Pensions, to whom was referred the bill (H. R. 9295) granting an increase of pension to Justin O. Hottenstein, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives is as follows:

This bill proposes to increase from \$17 to \$24 per month the pension of Justin O. Hottenstein, of Humboldt, Kans.

This soldier served as private, sergeant, and first lieutenant, Company G, Twentieth Illinois Volunteer Infantry. He enlisted April 24, 1861, as soon as he could on the breaking out of the late civil war, and was discharged June 25, 1864, having become totally disabled from further military duty by reason of a gunshot wound through left breast and lung, received in battle, and chronic diarrhea contracted in the service and in line of duty. He has never recovered, and now suffers from an abscess (result of wound), neuralgia in breast, heart trouble, and disease of digestive organs.

June 25, 1864, he was pensioned at \$12.75 per month for gunshot wound through left breast and lung. This was increased to \$18 from February 21, 1876, and to \$24 from March 3, 1883. This was reduced to \$17 from March 4, 1886, and many applications for increase have been rejected. July 16, 1891, the soldier having alleged and established chronic diarrhea and piles of service origin as additional disabilities, a reissue was made including these disabilities, but, strange to say, no increase was granted. Defective hearing, proved to exist, was rejected as not resulting from gunshot wound through breast and lung, although no other cause for deafness was shown.

J. F. Raub, medical referee, says:

"Approved for gunshot wound through left breast and lung and chronic diarrhea and piles; third grade from June 16, 1897. Neuralgia in breast and disease of digestive organs covered by approval and rate."

A special examiner says:

"This claimant bears an excellent reputation. He made his statement in a most straightforward and candid manner, and while he was with me for several days during the examination he impressed me as being a most carefully truthful man."

The medical records of the Army show that he was mustered first lieutenant April 7, 1863, and wounded as described May 12, 1863, at battle of Raymond, Miss.; the bullet passed through the body, emerging between left scapula and spine, hemorrhage from lung following. He was discharged on surgeon's certificate of disability. This wound has never fully healed; an abscess formed and almost constantly discharges more or less, constituting a constant drain upon the system. It is self-

evident that unless other disease intervenes and kills the soldier he will die from the effects of this wound.

His disabilities are proved by a mass of uncontroverted testimony, medical and lay, and his allegations remain unshaken by at least two special examinations.

The reduction of this man's pension from \$24 to \$17 was without excuse or justification. The refusal to increase it to \$24 per month when the additional disabilities of service origin were established was without excuse or justification.

The soldier suffers from disabilities of service origin that entitle him to a pension of \$24 per month, and the bill is therefore reported back with the recommendation that it pass.

It will be observed that the House report recommends a rate of \$24 per month, which was all that the original bill called for, but notwithstanding that the House passed the bill at \$30 per month, for which rating no proof whatever is adduced.

Your committee recommend the passage of the bill after being amended by striking out, in line 7, the word "thirty" and substituting the word "twenty-four," and by adding to the bill the words "in lieu of that he is now receiving."

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